

**COUNCIL MEETING NOTICE AND AGENDA  
WEDNESDAY, JANUARY 28, 2015  
9:00 A.M. OR SOON THEREAFTER**

COUNCIL CHAMBERS  
HISTORIC COUNTY BUILDING  
4396 RICE STREET, SUITE 201  
LĪHUʻE, KAUAʻI, HAWAII 96766

RECEIVED

'15 JAN 22 P2:57

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

OFFICE OF  
THE COUNTY CLERK  
COUNTY OF KAUAI

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. December 1, 2014 Inaugural Meeting (*Deferred January 14, 2015*)
2. January 7, 2015 Special Council Meeting

E. CONSENT CALENDAR:

1. C 2015-51      Communication (12/10/2014) from the Director of Planning, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to incorporate non-zoned lands into the County of Kaua'i Agriculture Zoning District, which identifies lands not currently zoned by the County of Kaua'i and designates these lands to be situated within the Agriculture Zoning District. (*Copies of the Zoning Amendment (Maps) (ZM-100A / ZM-200A / ZM-500A), References Map Showing the Location of the 1000-Scale Planning Area Maps for the County of Kaua'i (Not for adoption. For information purposes only.), Director's Report, Supplement No. 1 to the Director's Report, Agency Comments, Minutes of the March 25, 2014, May 27, 2014, and November 12, 2014 Planning Commission Meetings on file in the County Clerk's Office.) (See Proposed Draft Bill (No. 2575))*)
2. C 2015-52      Communication (12/23/2014) from the Director of Planning, transmitting the Planning Commission's recommendation to establish regulations, procedures, zoning, development plans and future growth areas for the South Kaua'i Planning District and to establish exceptions, modifications and additions to Chapter 8 and Chapter 9 of the Kaua'i County Code 1987, as amended. (*Copies of the South Kaua'i Community Plan and Appendices (November 2014), Draft Bill for an Ordinance (ZA-2015-1), October 14, 2014, October 28, 2014, and November 24, 2014 Director's Report and Exhibits, Minutes of the October 14, 2014, October 28, 2014, and November 24, 2014 Planning Commission Meetings, and Additional Received Testimony on file in the County Clerk's Office.) (See Proposed Draft Bill (No. 2576))*)

F. COMMUNICATION:

1. C 2015-53      Communication (01/05/2015) from the Mayor, requesting Council approval to accept the donation of four (4) oil canvases that were gifted to the County of Kaua'i, from the Living Trust of Raymond K. Yoshida (1930-2009), valued at \$43,650. The canvases are currently displayed at the Office of the Mayor and will be added to the Office of the Mayor's inventory.

G. CLAIM:

1. C 2015-54      Communication (01/14/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by State Farm Mutual Automobile Insurance Company as subrogee for Prudencio Labutong, for damage to his vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

H. COMMITTEE REPORTS:1. ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

- a. **CR-EDIR 2015-01:** on Bill No. 2569      A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS [**Approved as Amended.**]

2. BUDGET & FINANCE COMMITTEE

- a. **CR-BF 2015-04:** on Bill No. 2566      A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Department of Public Works – Solid Waste Disposal, Consultant Services – \$95,000*) [**Approved.**]
- b. **CR-BF 2015-05:** on Bill No. 2567      A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements – \$80,750*) [**Approved.**]

### 3. COMMITTEE OF THE WHOLE

- a. **CR-COW 2015-01:** on C 2015-42 Communication (12/29/2014) from Council Chair Rapozo, requesting the presence of the Managing Director and County Attorney, to provide the Council with an update on the Administration's fact finding / investigation and plan to address matters pertaining to the agricultural dedication process and the grading, grubbing, and stockpiling process. **[Received for the Record.]**

#### I. BILLS FOR FIRST READING:

1. Proposed Draft Bill (No. 2575) - A BILL FOR AN ORDINANCE AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ZONING DESIGNATION FOR CERTAIN NON-ZONED LANDS

2. Proposed Draft Bill (No. 2576) - A BILL FOR AN ORDINANCE ESTABLISHING REGULATIONS, PROCEDURES, ZONING, DEVELOPMENT PLANS, AND FUTURE GROWTH AREAS FOR THE SOUTH KAUAI PLANNING DISTRICT, AND ESTABLISHING EXCEPTIONS, MODIFICATIONS, AND ADDITIONS TO CHAPTER 8 AND CHAPTER 9, KAUAI COUNTY CODE 1987, AS AMENDED

#### J. BILLS FOR SECOND READING:

1. Bill No. 2566 - A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE SOLID WASTE FUND (*Department of Public Works - Solid Waste Disposal, Consultant Services - \$95,000*) (See also CR-BF 2015-04: the Budget & Finance Committee recommended approval on second and final reading.)

2. Bill No. 2567 - A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE DEVELOPMENT FUND (*Kōloa/Po'ipū Intersection Improvements - \$80,750*) (See also CR-BF 2015-05; the Budget & Finance Committee recommended approval on second and final reading.)

3. Bill No. 2569, Draft 1 - A BILL FOR AN ORDINANCE AMENDING CHAPTER 17, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS (See also CR-EDIR 2015-01; the Economic Development & Intergovernmental Relations Committee recommended approval as amended to Bill No. 2569, Draft 1 on January 22, 2015.)

K. EXECUTIVE SESSION: *Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (Confidential reports on file in the County Attorney's Office and/or the County Clerk's Office. Discussions held in Executive Session are closed to the public.)*

1. ES-779 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session for Council to consult with the County Attorney regarding a Request for Release of a Confidential Attorney-Client Privilege Report/Work Product Regarding the Investigation on Three Parcels (Tax Map Key Nos. (4) 3-3-018-002, (4) 3-8-004-001 and (4) 3-7-001-001 and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.
2. ES-780 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(2 & 4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney, on behalf of the Council, requests an Executive Session with the Council pertaining to the County Clerk and, if necessary, to consult with the County's legal counsel. This session pertains to the evaluation of the County Clerk where consideration of matters affecting privacy will be involved and, if necessary, to consult with legal counsel regarding the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

L. ADJOURNMENT.

- M. NOTE: SPECIAL ACCOMMODATIONS AND SIGN LANGUAGE INTERPRETER AND INTERPRETERS FOR NON-ENGLISH SPEAKING PERSONS ARE AVAILABLE UPON REQUEST FIVE (5) DAYS PRIOR TO THE MEETING DATE, TO THE COUNTY CLERK, 4396 RICE STREET, SUITE 209, LĪHU'E, KAUAI, HAWAII 96766. TELEPHONE NO. (808) 241-4188. FACSIMILE NO. (808) 241-6349.